

**REMARKS/ARGUMENTS**

Reconsideration of this application in light of the following comments is courteously solicited.

The examiner has rejected claims 16 and 17 under 35 U.S.C. 101 as being non-statutory. Applicants respectfully submit that the examiner is grossly in error. Clearly by reducing the cross section of an orifice a tangible result is obtained. Also, by reducing the orifice the measuring element is firmly clamped in the sensor body. Thus a tangible result is obtained.

Accordingly, claims 16 and 17 are clearly statutory subject matter under 35 U.S.C. 101.

The examiner rejected claims 16 and 17 under 35 U.S.C. 112, first paragraph as failing to comply with the written description. First of all, the examiner indicates that the step of "reducing" has not been clearly described in the specification. Applicants respectfully submit that the examiner is in error. While the word "reducing" does not appear in the specification the word "crimping" does appear in the specification. The examiner's attention is drawn to Page 7 lines 1-16 of the instant specification which is reproduced hereinbelow for the examiner's consideration.

After this, the front area, as indicated by the arrows, is compressed or crimped, thus providing the capability for a clearly defined temperature measurement. Even better than in the case of welding, the measurement elements 4 and 5 are fixed in position in the longitudinal holes 2 and 3 by the crimping process, so that they cannot be pulled out of the longitudinal holes 2 and 3. This method allows subsequent machining of the sensor front by the user in order to match this to the surface of the cavity.

In one preferred exemplary embodiment, the

crimping sleeve 7 is also crimped, resulting in the equalizing line 10, or its front area, being fixed in the crimping sleeve 7. This is also used for strain relief for the equalizing line 10. The crimping sleeve 7 is, of course, not crimped until the crimping sleeve 7 has been plugged onto the sensor body 1.

It is clear from the forgoing portion of the specification that the crimping process results in a reduction of the cross section and thus give support to the language "reducing the cross" section of both claims 16 and 17. There is nothing in the law which requires that the same word be used in the claim as is used in the specification. The law requires that the specification support the claim and in the case at hand it is clear that the specification does support the term "reducing the cross section". The examiner's rejection of claims 16 and 17 under 35 U.S.C. 112 first paragraph regarding the term "reducing" should therefore be withdrawn.

With regard to claim 17, the examiner has likewise rejected claim 17 under 35 U.S.C. 112, first paragraph, referring to the term "coating". The examiner's attention is drawn to Page 6 lines 21-24 of the specification which sets forth the following:

A defined spot weld 15 is now applied, with wide tolerances, to the end surface 6. After this, this spot weld 15 is ground off or the weld bulge is ground off to the level of the planar end surface 6.

Clearly if a defined weld spot is applied to the end surface of the sensor body, that portion of the sensor body is coated. It is submitted that the foregoing portion of the specification clearly supports the term "coating" as set forth in claim 17.

With regard to the examiner's rejection of claim 10 over

the prior art suffice it to say that the cited primary reference does not teach a crimped sensor body. The primary reference to Manecke employs a sleeve over the sensor body and the sleeve is crimped. Clearly Manecke does not teach, disclose or suggest the subject matter of claim 10.

The examiner has a further rejection of claim 10 under 35 U.S.C. 103 as being unpatentable over the Babcock reference taken in combination with Manecke. Again, in the case at hand, Manecke teaches the employment of a crimping sleeve over the sensor body. Manecke does not teach crimping or crimping a crimped sensor body. Thus, the structure is different and the teachings of Manecke does not render claim 10 obvious.

With regard to independent claim 16, it is respectfully submitted that the prior art does not teach the subject matter of claim 16. None of the prior art references teach reducing the cross section of the orifice of the sensor body for clamping a measurement element in the sensor body. Manecke again provides a sleeve. Accordingly, claim 16 defines over the prior art references.

Finally, it should be noted that independent claim 17 has not been rejected over any prior art references and therefore it is respectfully submitted that claim 17 is in condition for allowance.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the

Apln. SN 10/540,714  
Amdt. Dated January 2, 2008  
Reply to Office Action of October 18, 2007

Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

By /Gregory P. LaPointe #28395/  
Gregory P. LaPointe  
Attorney for Applicants  
Reg. No.: 28,395

Telephone: 203-777-6628  
Telefax: 203-865-0297

Date: January 2, 2008